

BILL # SB 1500

SPONSOR: Gorman

PREPARED BY: Jay Chilton

TITLE: unborn children; methamphetamine addicted mothers

STATUS: As Introduced

FISCAL ANALYSIS

Description

The bill would require Child Protective Services (CPS) workers who know or have reasonable grounds to believe that an expectant mother is using methamphetamine, if the expectant mother fails or refuses to comply with any voluntary intervention, to seek an order from the Superior Court. The order would require the expectant mother to cooperate with all intervention efforts to prevent harm to the unborn child. The bill would also establish the crime of child abuse against an unborn child.

Estimated Impact

The bill would generate additional costs, but the magnitude of the fiscal impact of this bill cannot be determined. There would be the potential for increased costs in CPS, the Arizona Families in Recovery Succeeding Together (Families FIRST) substance abuse treatment program, the Superior Courts, and the Department of Corrections.

CPS could incur additional costs as the bill may result in increased caseloads for caseworkers referring expectant mothers for substance abuse treatment. CPS may also incur additional costs in the foster care program as expectant mothers court-ordered into detention may have other children who need placement. The Families FIRST program may incur increased costs because expectant mothers may be referred to this program for treatment services. The bill does not require that the state fund the cost of treatment.

The Department of Economic Security does not have a cost estimate for the bill.

The Superior Courts report that the cost of processing the orders requiring expectant mothers to comply with treatment would not be substantial.

As child abuse crimes do not currently cover unborn children, the bill may result in increased probation caseloads for the Superior Courts and increased inmates for the Department of Corrections. The Superior Courts and the Department of Corrections do not have cost estimates for the bill.

There is potential that, long-term, prenatal substance abuse treatment may reduce the number of people receiving other state services, producing some savings. Those savings would accrue over a long period of time.

Analysis

In FY 2007, there were approximately 104,000 births in Arizona. A recent study by the University of Maryland's Center for Substance Abuse Research found that approximately 5% of pregnant women used methamphetamine. The study focused on areas that are known to have methamphetamine problems, so it is likely that the rate found in the study is much higher than the prevalence of methamphetamine abuse throughout the entire state of Arizona.

It is unknown how many of the mothers using methamphetamine will actually come into contact with CPS caseworkers and be referred for treatment. As mentioned previously, it is possible that expectant mothers may be referred to the Families FIRST program for treatment. The average per client cost in Families FIRST is \$1,100, though the average per client cost in residential care is \$4,900.

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Currently, CPS provides services to families only after the birth of a child. In some instances, expectant mothers using methamphetamine may already have children in the CPS system, and may therefore already be receiving substance abuse treatment from the Department of Economic Security. Under this bill, expectant mothers who do not have children in the CPS system may be referred for treatment. These instances would create new cases for CPS. This could require additional caseworkers. It is unclear who would pay for the cost of treatment.

If an expectant mother has other children at home and is detained because of a court order sought by a CPS worker as a result of this bill, those children may require out-of-home placement. This would result in an increase to the foster care population. The cost of children in licensed foster care is about \$900 per child per month. The increase in the foster care population that may result from this bill cannot be determined.

The Superior Courts would have to process the orders requiring expectant mothers to comply with treatment, though the Courts report that the additional cost generated by processing these orders would not be substantial.

The bill may also generate increased costs because of the provision that establishes the crime of child abuse against an unborn child. This may result in increased probation caseloads for the Superior Courts and increased inmates for the Department of Corrections. It is not known how these crimes would be interpreted and prosecuted, so the magnitude of the increases to probation caseloads and inmates, and the related costs, for the Courts and the Department of Corrections cannot be determined.

Local Government Impact

None

3/6/08